

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

ALFRED C. DIZON

Plaintiff,

vs.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA.

Defendant.

CASE NO. 7:15-cv-00168-O

**DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendant, The Prudential Insurance Company of America (“Prudential”), by and through its attorneys, and pursuant to Fed. R. Civ. P. 12(c) and Local Rule 7, submits this motion for judgment on the pleadings. For the reasons set forth below, and more fully set out in the accompanying memorandum of law in support, the Court should grant Prudential’s motion.

1. The Court should grant Prudential’s motion for judgment on the pleadings with respect to his claim for benefits on behalf of his niece and nephew because Plaintiff lacks standing under Article III of the United States Constitution.

2. The Court should also grant Prudential’s motion for judgment on the pleadings with respect to his claim for benefits on behalf of his niece and nephew because Plaintiff lacks statutory standing under the Servicemembers’ Group Life Insurance Act (“SGLIA”), 38 U.S.C. §§ 1965, *et seq.* (“SGLIA”).

3. The Court should grant Prudential’s motion for judgment on the pleadings with respect to his claim for funeral costs and interests because Plaintiff lacks statutory standing under the SGLIA.

4. The Court should grant Prudential's motion for judgment on the pleadings with respect to his claim for funeral costs and interest because they are preempted by the SGLIA.

For the reasons stated above and in Prudential's memorandum of law in support of this motion, the Court should grant Prudential's motion for judgment on the pleadings, enter judgment on Prudential's behalf, dismiss Plaintiff's complaint with prejudice, and award Prudential any relief the Court deems just and proper.

Dated: February 10, 2016

Respectfully submitted,

**SEYFARTH SHAW LLP**

/s/ Megan E. Troy

Megan E. Troy

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*Attorneys for Defendant,  
The Prudential Insurance Company of  
America.*

**CERTIFICATE OF SERVICE**

I, Megan E. Troy, an attorney, do hereby certify that I have caused a true and correct copy of the foregoing DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS to be served upon the following, via the Court's CM/ECF system, email, and U.S. mail, on this 10th day of February, 2016:

Alfred C. Dizon  
5333 Northview Drive  
Wichita Falls, Texas 76306

/s/ Megan E. Troy  
Megan E. Troy